

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

WILLARD PURVIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:14-cv-41-WTL-WGH
)	
INDIANA DEPARTMENT OF)	
CORRECTION, et al.,)	
)	
Defendants.)	
)	

Entry Directing Further Proceedings

In the Entry of May 7, 2015, the Court screened the plaintiff's complaint and identified claims that must proceed in separate lawsuits. The plaintiff was directed to notify the Court whether he wished the claims to proceed in separate lawsuits as described in that Entry.

I. The Claims that Will Proceed in this Action

Consistent with the plaintiff's filing of September 14, 2015, and the discussion held with the plaintiff during the telephonic status conference, **the following claims shall proceed in this action:**

The First Amendment claim that on August 2, 2012, **Lt. Nicholson** issued a Report of Conduct against the plaintiff in retaliation for his filing of grievances and that the Report of Conduct was later dismissed; The First Amendment claim that in August 2012 the plaintiff's work status was changed in retaliation for attempting to file grievances against defendants **Mr. Brown, Mr. Gilmore, Mrs. Gilmore, Lt. Nicholson, Mr. Marshall, Mr. Snyder, and Mr. Leohr**; The Eighth Amendment deliberate indifference claim that in September of 2012, the plaintiff was improperly assigned to an upper floor against defendants **Mr. Gilmore, Mrs. Gilmore, and Mr. Donaldson**.

Based on the plaintiff's request, the following claim is **dismissed**: the Eighth Amendment deliberate indifference claim that in May 2013 and June 2013, he was transferred to the Transition

Unit at New Castle Correctional Facility despite the fact that the plaintiff's status as a sex offender would subject him to risk of assault against defendants Mr. Collins, Mrs. Gilmore, Mr. Snyder, Mr. Marshall, Mr. Gilmore, Mr. Littlejohn, Mr. Brown, and Mr. Leohr.

All defendants other than Mr. Brown, Mr. Gilmore, Mrs. Gilmore, Lt. Nicholson, Mr. Marshall, Mr. Snyder, Mr. Leohr, and Mr. Donaldson are dismissed from this action.

II. Severance

For the reasons stated in the screening entry of May 7, 2015, the Court will sever the following claims:

- The First Amendment claim that defendant **Hinton** denied the plaintiff information related to attorney contact information in retaliation for attempting to file a grievance; The deliberate indifference claim against defendant Hinton for putting the plaintiff at risk of harm by informing other prisoners that the plaintiff had been convicted of child molestation;
- The Eighth Amendment claim that defendants **Maddox, Willis, and Hendershot** put the plaintiff at risk of harm when they called him names such as "snitch" and "child molester" in hopes that other offenders would hear and cause harm to the plaintiff; the claim that defendant **Willis** served the plaintiff a tray of food with excrement in it; the First Amendment claim that defendant **Willis** discarded the plaintiff's mail.

Two new civil actions from the Terre Haute Division shall be opened, consistent with the following:

- A. Willard Purvis shall be the plaintiff in each of the newly opened actions.
- B. The Nature of Suit for the newly opened actions shall be 555.
- C. The Cause of Action for the newly opened actions shall be 42:1983pr.

D. The Amended Complaint in this action (dkt 38) shall be filed and re-docketed as the complaint in the newly opened actions.

E. A copy of this Entry and the Entry of May 7, 2015 (dkt 41) shall be docketed in each of the newly opened actions.

F. The motion to proceed *in forma pauperis* (dkt 2) shall be docketed in each of the newly opened actions.

G. The defendant in the first newly opened action shall be Mrs. Hinton.

H. The defendants in the second newly opened action shall be Officer Maddox, Officer Willis, and Officer Hendershot.


I. This action and the newly opened actions shall be shown as linked actions.

Further Proceedings

If the plaintiff wishes for any other claims to proceed that were not addressed in this Entry, he shall have **through October 20, 2015**, in which to so notify the Court.

The **clerk is designated** pursuant to *Fed. R. Civ. P.* 4(c)(3) to issue process to defendants **Mr. Brown, Mr. Gilmore, Mrs. Gilmore, Lt. Nicholson, Mr. Marshall, Mr. Snyder, Mr. Leohr, and Mr. Donaldson** in the manner specified by Rule 4(d). Process shall consist of the amended complaint (dkt. 38)] applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), the Entry of May 7, 2015 (dkt 41), and this Entry.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "William T. Lawrence", written over a horizontal line.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Date: 9/24/15

Distribution:

Willard Purvis
DOC # 985367
Wabash Valley Correctional Facility
Electronic Service Participant -- Court Only

Mr. Brown
Mr. Gilmore
Mrs. Gilmore
Lt. Nicholson
Mr. Marshall
Mr. Snyder
Mr. Leohr
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All at:

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